

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 12, 2001  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Martz, Pisciotte, present. Council Members Gale, Lambke; absent

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Mitzi Sullivan, Chau Phat An Temple (Buddist) gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of June 5, 2001, were approved 5 to 0. (Gale, Lambke; absent)

## AWARDS AND PRESENTATIONS

PRESENTATION      A Presentation was made to the Junior Golf Foundation.

PROCLAMATIONS      Proclamations previously approved were awarded.

## NEW BUSINESS

**WATER FACILITY      WATER DISTRIBUTION MAINTENANCE FACILITY RELOCATION.** (District IV)

David Warren      Director of Water and Sewer reviewed the Item.

Agenda Report # 01-0722

A facility was built at 1701 Sim Park Drive (around 1969) for use as a Water Distribution maintenance operation. The facility currently houses all of the equipment and personnel required to install and maintain water mains and services; read, test, and repair water meters; monitor backflow prevention devices; and maintain fire hydrants. The facility is located adjacent to Cowtown.

The City Council has previously approved the relocation of this Distribution Maintenance Facility from its present location to allow for other uses, including the expansion and improvements to Cowtown. It is planned to relocate these maintenance operations in three locations, including the east and west Public Works Satellite facilities, as well as in the area planned for a consolidated City Maintenance Campus (planned for future construction).

The project is in CIP W -202, Relocation of Maintenance Facility. This account did not contemplate the cost of the entire relocation to the three sites (above). Recent cost estimates total approximately \$5.5 million. These funds will, if approved by the Council, be programmed in the revised Capital Improvements Program.

Mayor Knight      Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion --  
-- carried

Pisciotte moved that the project be approved; the CIP be amended; adopt the Resolution; authorize final design and bidding of the project; authorize the necessary signatures. Motion carried 5 to 0. (Gale, Lambke; absent)

## RESOLUTION NO. 01-245

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$5.5 million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight.

## RAILROAD DESIGN DESIGN SERVICES FOR RAILROAD GRADE SEPARATIONS. (District III)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No 01-0723.

In May 1999 the City entered into agreements with TranSystems to provide preliminary (30%) design for the BSNF/Pawnee grade separation project (CIP RR-190003) at Southeast Boulevard and with HDR for the UPRR/Pawnee grade separation project (CIP RR-190004) between Washington and Broadway. TranSystems was also retained to provide management assistance for the railroad program (CIP 190005). These agreements provide that when authorized by supplemental agreements, the original design firm will be retained to complete their design.

The preliminary engineering for the BNSF/Pawnee project and the UPRR/Pawnee project is complete. Staff has negotiated supplemental agreements with TranSystems and HDR to prepare final construction plans for the two projects, and with TranSystems to continue with management assistance.

The Supplemental Agreements are tabulated as follow:

Project	Consultant	Supplemental Agreement	Upper Limit
Master Consultant		TranSystems	\$517,906.69
Pawnee/UPRR between Broadway & Washington		HDR	\$689,544.00
Pawnee/BNSF @ Southeast Boulevard		TranSystems	\$799,225.20

The City will make payments to the Consultant's, and will be reimbursed from funds provided by TEA - 21 (Federal Funding).

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that the design Agreements be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

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## Addendum Item 2A CLUSTER STUDY

### CITY CONTRIBUTION FOR NATIONAL ECONOMIC RESEARCH PROJECT – CLUSTER STUDY.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report # 01-0746

The National Council on Competitiveness is conducting a major economic research project in conjunction with Harvard University Business School and proposes to focus a significant segment of the research and analysis on the Wichita area economy. The research project is called the Clusters of Innovation Study and will investigate the role that business clusters play in the development and evolution of a regional economy. The study is being conducted by Dr. Michael Porter of the Harvard Business School, one of the leading experts on economic theory in the U.S. Dr. Porter's work on cluster-based economic development is at the forefront of current economic development strategic thinking. The Cluster of Innovation initiative is designed to develop a definitive framework to evaluate cluster development and innovative performance at the regional level, while at the same time sharing analytical tools, benchmarking results, and lessons learned with key decision makers in the regions being studied. Wichita is among an elite group of cities that have been invited to participate in the study. The Council on Competitiveness is asking for local contributions

Wichita is being invited to participate in the study because of the existence of a very strong aviation industry cluster, based on the presence of Boeing, Bombardier, Cessna and Raytheon aircraft manufacturing plants. A cluster, as defined by Dr. Porter, is a concentration of competing and cooperating companies, suppliers, service providers, and associated institutions. After a preliminary review, it was determined that Wichita's aviation industry and plastics industry offer ideal cluster specimen for the national study.

The Cluster of Innovations study, which has taken nearly two years to complete has developed a national cluster map, focusing on the locations of approximately 50 national clusters. The study will evaluate the innovative performance of clusters in six regions, including Atlanta, Austin, Pittsburgh, Raleigh-Durham-Chapel Hill, San Diego and Wichita. Dr. Porter will present the findings of the study in each city and make recommendations for developing and strengthening innovative clusters, specific to that region. A national conference will be held at the end of the study, highlighting each region, drawing general conclusions and making national policy recommendations.

The Council on Competitiveness is asking each community that participates in the study for \$175,000 to help defray the costs of implementing the research and analysis. Preliminary fundraising efforts have provided \$40,000 in contributions from private companies and agencies. Efforts to raise additional funds from the private sector will continue. In order to ensure adequate funding, it is recommended that payment of up to \$135,000 be authorized. The City funding will come from the Economic Development Trust Fund.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Pisciotta moved that payment of up to \$135,000 as a contribution to the national Clusters of Innovation Study. Motion carried 5 to 0. (Gale, Lambke; absent)

### CITY COUNCIL AGENDA

#### TRAVEL EXPENSES

#### APPROVAL OF TRAVEL EXPENSES FOR MAYOR KNIGHT TO U.S. CONFERENCE OF MAYORS CONFERENCE IN DETROIT, MI, JUNE 21-26, 2001.

Motion -- carried

Pisciotta moved that the expenditures be approved. Motion carried 5 to 0. (Gale, Lambke; absent)

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## APPOINTMENTS

### BOARD APPOINTMENTS.

- Motion --  
Fearey appointed: Marvell Sosa, 1340 N. Yale, and Bill Fox 701 N. Litchfield (Community Corrections Advisory Board); Claire Willenberg (Historic Preservation); Jean Schodorf, 3039 W. Benjamin Ct. (Sister Cities); Don Slawson, 727 N. Waco (Airport Advisory); and Bickley Foster, Linda Matney, Robert Wine, John Van Wallenghen, David Pendegraft, Bob Schreck, Veronica Casados, John Cohoon, Doratheia Sloan, Rosalie Bradley, and Wintillo Ortiz to DAB VI, and moved that the appointments be approved. Motion carried 5 to 0. (Gale, Lambke; absent)
- carried
- Motion --  
Brewer appointed: Riley Williams (Alternative Correctional Housing); Allen Gilkey (Code Standards and Appeals); Dr. Glen Dye (Park Commissioners); Floyd Pitts (Zoning Appeals); Bryan Barr (Historic Preservation); Mary Jo Bons and Jane Eshelman (Library); Dave Wells (MAPC); Riley Williams (P & F Retirement); Robert Alford (Sister Cities); Carie Jones (Airport Advisory); Dean Noble (Public Building); and La Deena Johnston (Health), and moved that the appointments be approved. Motion carried 5 to 0. (Gale, Lambke; absent)
- carried
- Motion --  
Pisciotte appointed: Melissa Gregory (Art and Design); Bernard Hentzen (Code Standards and Appeals); and Dave Murfin (Airport Advisory), and moved that the appointments be approved. Motion carried 5 to 0. (Gale, Lambke; absent)
- carried
- Motion --  
Knight appointed: Council Member Fearey (Wichita Downtown Development Corporation); Woody Goodvin (Public Building); Wes Galyon and Kurt Schroeder (WIN Task Force); and Shawna Mobley (Juvenile Justice Advisory Board. Motion carried 5 to 0. (Gale, Lambke; absent)
- carried

### CONSENT AGENDA

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 11, 2001.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Reconstruction of Orme/Belmont Intersection (Orme and Belmont) (472-83229/702221/401237)  
Traffic to maintained during construction using flagpersons and barricades. (District II)

Ferguson Paving - \$17,964.00

2001 Sanitary Sewer Rehabilitation Program, Phase E (north of Central, east of Broadway) (468-83259/620321/661445) Traffic to be maintained during construction using flagpersons and barricades. (District II & VI)

Garver Construction - \$150,974.00

Lateral 3, Main 3, Northwest Interceptor Sewer to serve The Lochs at Aberdeen (north of 21st Street North, east of 119th Street North) (468-83219/743870/480558) Does not affect existing traffic. (District V)

Mies Construction - \$124,000.00

Water Distribution System to serve One Kellogg Place 2nd Addition (south of Kellogg, east of Greenwich) (448-89563/735016/470686)

McCullough Excavation - \$140,551.47

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Motion --  
-- carried

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 5 to 0. (Gale, Lambke; absent)

WATER AND SEWER PRODUCTION AND PUMPING/SEWAGE TREATMENT: Sodium Hypochlorite. (184028)

HCI Advance Chemical - \$.59 cost per gallon (Item 1)  
- \$.76\* cost per gallon (Item 2)  
\*(\$40.00 Refundable Drum Deposit)

WATER AND SEWER/WATER DISTRIBUTION: Waterworks Fittings and Meter Box Rings. (183327)

Water Products Inc. - \$ 2.38 (Item 1 Per Each)  
\$ 3.83 (Item 2 Per Each)  
\$22.00 (Item 3 Per Each)

PUBLIC WORKS/FLEET AND BUILDINGS: Install Two (2) Fuel Island Canopies. (130807)

P. B. Hoidale - \$47,807.79 (Lump Sum Total)

Motion -- Knight moved that the Contracts be approved and the necessary signatures be authorized. Motion  
-- carried 5 to 0. (Gale, Lambke; absent)

## LICENSE APPS.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Establishment</u>	<u>2001</u>	(Consumption on Premises)
Randall D. Hare	Two Fat Chefs Cajun BBQ*	1716 East Douglas
Mary Mena	El Salvador Restaurant*	209 South West Street

<u>Special Events</u>	<u>June 22-23, 2001</u>	
Dave McQuitty	T95 Summer Jam	Farm and Art Market
	June 29-30, 2001	
Juanita Albert	Wichita Festivals/Backyard BBQ Blast	Farm and Art Market

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --  
-- carried

Knight moved that the licenses be approved, subject to Staff review and approval. Motion carried 5 to 0. (Gale, Lambke; absent)

## PLANS AND SPECS

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specs considered.

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## PREL. ESTIMATES

### PRELIMINARY ESTIMATES:

- a) 2001 contract maintenance pedestrian bridge replacement at 9th Street North and Lawrence Lane over the West Branch Gypsum Creek - 9th Street North and Lawrence Lane. (472-83345/131532/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$80,000
- b) 2001 park sidewalk repairs - north of 47th Street South and east of 135th Street West. (472-83351 /785021/391153) Traffic to be maintained during construction using flagpersons and barricades. (District) - \$40,000
- c) 2001 sanitary sewer reconstruction program Phase 4 - south of McLean, west of Seneca. (468-83245/620319/661443) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$319,000
- d) 2001 Planeview Sanitary Sewer Reconstruction Phase 2 to serve Planeview Addition - south of Pawnee, east of Hillside. (468-83263/622234/641342) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$105,000

Motion -- carried Knight moved that the preliminary estimates be approved. Motion carried 5 to 0. (Gale, Lambke; absent)

## IMPR. PETITIONS

### PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE SOUTHWEST INDUSTRIAL ADDITION – NORTH OF PAWNEE, WEST OF MERIDIAN. (District IV)

Agenda Report No. 01-0724.

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to an industrial development located along Custer, north of Pawnee.

The Petitions total \$526,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 5 to 0. (Gale, Lambke; absent)

### RESOLUTION NO. 01-246

A Resolution of findings of advisability and Resolution authorizing , construction of Water Distribution System Number 448-89585 – north of Pawnee, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight.

### RESOLUTION NO. 01-247

A Resolution of findings of advisability and Resolution authorizing , improving of Lateral 10, Main 16, Sanitary Sewer No. 22 – north of Pawnee, west of Meridian 468-83272 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 01-248

A Resolution of findings of advisability and Resolution authorizing , improving of Custer Avenue, from the north line of Pawnee Avenue, north to and including the cul-de-sac at the south line of vacated Orient Boulevard – north of Pawnee, west of Meridian 472-83389 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 01-0747.

The City of Wichita Public Works Street Maintenance crews have scheduled the removal of a timber drainage structure on 135th Street West, north of Maple. Weather permitting, the closure will begin at approximately 8:30 a.m., Monday, June 18th and the street will be re-opened at approximately 4:30 p.m., Friday, June 22nd. The existing structure will be removed and replaced with five 42" diameter corrugated metal pipes. After the backfill is completed, the roadway surface will be replaced and the street re-opened.

During the closure, 135th Street traffic will be detoured as follows:

Southbound 135th Street: Central to 119th Street to Maple to 135th Street

Northbound 135th Street: Maple to 119th Street to Central to 135th Street

135th Street will be totally closed at the work site, approximately ½ mile north of Maple. The City will install a message board to advise 135th Street traffic of the planned closure and will be responsible for construction barricades and detour signing.

Motion -- carried

Knight moved that the Street Closure be approved. Motion carried 5 to 0. (Gale, Lambke; absent)

## **RESPREAD SPECIALS      RESPREAD ASSESSMENTS FOR RIDGE PORT NORTH THIRD AND FOURTH ADDITIONS.** (District V)

Agenda Report # 01-0725.

The developer, Ridge Port Group, L.L.C., platted Ridge Port North 3rd and Ridge Port North 4th Additions and has submitted an Agreement to respread special assessments within the Additions.

The land was originally included in an improvement district for a storm water drain project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

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## **BOND FEASIBILITY    BOND FEASIBILITY STUDY.**

Agenda Report No. 01-0726.

On March 2, 1999, the City Council approved a three-year Agreement with the engineering firm of R.W. Beck to produce bond feasibility studies, as needed for the sale of revenue bonds.

The Water & Sewer Department will sell revenue bonds in 2001, and a bond feasibility study is necessary in order to sell the bonds. In addition, financial and engineering services provided by an independent firm are occasionally needed.

The Agreement is for \$40,000 that will be funded from the water and sewer revenue bonds. The feasibility study will cost \$27,000 with another \$13,000 being authorized to enlist the services of R.W. Beck should the need arise.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

## **RIDGE PORT DESIGN    RIDGE PORT ADDITION – NORTH OF 29TH, EAST OF RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 01-0727

The City Council approved the project on May 19, 1998.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,200, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

## **WDS MACARTHUR    WATER DISTRIBUTION SYSTEM – MACARTHUR ROAD FROM MINNESOTA TO ENGLEWOOD. (District III)**

Agenda Report No. 01-0728.

The City Council approved the project on November 28, 2000.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of a 12" water main in MacArthur Road from Minnesota to Englewood. The Staff Screening & Selection Committee selected MKEC for the design on May 15, 2001.

Payment will be on a lump sum basis of \$17,890, and will be paid by General Obligations Bonds and Water Utility Funds.

Motion --  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

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## **BOYS/GIRLS CLUB      BOYS AND GIRLS CLUB LEASE AMENDMENTS AND SUBLEASE (District I)**

Agenda Report No. 01-0729.

On November 10, 1992, the City entered into a ten year lease agreement with Boys and Girls Club of Wichita, Inc. for use of the City-owned facility at 2408 E. 21st for use as a Boys and Girls Club serving the northeast community. The lease expires November 10, 2002 unless the lease is extended.

The Boys and Girls Club of Wichita, Inc. have requested the City extend the term of the existing lease an additional five (5) years to November 10, 2007. The Boys and Girls Club have also requested the City authorize the Boys and Girls Club to enter into a sublease for use of a portion of facility by USD 259. The Boys and Girls Club have been working with USD 259 to create a community learning center for students expelled from USD 259. The intent behind the collaborative effort between Boys and Girls Club and USD 259 is to provide expelled students facilities in which to study during the day time hours and return the expelled youth to school at the end of their suspension at or above their grade level. The USD 259 program compliments another similar program already operated by the Boys and Girls Club and is beneficial in that it allows the facilities to be used during the daytime when a majority of the Boys and Girls Club usage is after school. The collaboration with USD 259 also permits Boys and Girls Club members to benefit from computers, software and learning materials after the daytime classes are over.

There is no cost to the City. The Boys and Girls Club will be reimbursed by USD 259 for their share of all operating costs. In event actual operating costs are less than \$10,000 per year, USD 259 will make capital improvements to the building in an amount of the difference.

Motion --                      Knight moved that the lease amendment between the City and Boys and Girls Club and the sublease between Boys and Girls Club and USD 259 be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 5 to 0. (Gale, Lambke; absent)

## **WATER SUPPLY      VALUE ENGINEERING AND REVIEW OF WATER SUPPLY PLAN IMPROVEMENTS.**

Agenda Report # 01-0730

On October, 2000, the City Council approved the implementation of a Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. Cost-effective water resources were identified (and recommended) that would position Wichita's water needs to the year 2050. Water usage during this period is projected to increase - from the current 350,000 to 570,000 -and water supply needs are predicted to nearly double. Average-day water demands are projected to increase from the 62 million gallons-per-day (MGD) to 120 MGD with peak-day demands increasing from 125 MGD to 223 MGD.

The Concept Design Plan contains related projects that will be required to meet the City's future water supply needs. The Staff Screening and Selection Committee recently reviewed the proposals for one of the major components of the Plan. Before this project commences, it is proposed that a professional review of the options available to the City be made. The present Water Supply Plan while innovative, represents a departure from traditional solutions, and has been proven to be viable and effective. However, there may be options that Staff and the engineers have not fully considered or evaluated. Due to advancing technology and new techniques, along with changes in cost, it is possible that more alternatives are available or previously recommended strategies should be reevaluated.

It is proposed that a value engineering and professional review be conducted with recognized experts in water resource development and water treatment to review all of the recommended components contained in the Water Supply Plan to ensure latest technologies are considered and new methods employed. Staff has identified a facilitator (Robert Renner, Deputy Executive Director of the American Water Works Association) who will facilitate these reviews. Like the previously held

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Kellogg charette, a prominent list of professional experts comprised of consultants, academicians, and employees will be invited to participate in these reviews.

The cost associated with these reviews will be primarily travel expenses and honorariums for participants. These costs are estimated to be approximately \$25,000-to \$30,000. Considering the full cost (\$300 million) to implement all phases of the Water Supply Plan, a professional review of all current options could realize efficiencies and added savings in the implementation strategies. Funding for this review would be from account CIP W-549.

Motion --  
-- carried

Knight moved that the proposal be approved; the budget expenses for the reviews be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

## LAN NETWORK

### LOCAL AREA NETWORK – INFORMATION TECHNOLOGY.

Agenda Report No. 01-0731.

The initial Local Area Network (LAN) was installed in 1989 with 94 terminals and 17 printers. In 1996, the network was replaced to handle the increased load of 636 terminals, 256 PCs and 24 laser printers and is the current system used by the City. The 1996 configuration has been replaced by 820 PCs and 120 laser printers.

Analysis: The network is at maximum capacity. The equipment is incurring major system failures due to age and the heavy use. Replacements can only be purchased used or refurbished. New replacements for the network are unavailable, and no sure source of replacement is guaranteed. Additionally, system users and vendors are requiring higher speeds of connectivity, which the City cannot provide on the current network. New applications, such as GIS/Mapwise, image enabling applications, and increased Internet traffic are congesting the system. The proposed new configuration will increase the load capacity of the network by a factor of ten.

There are funds available for the project in the IT Replacement fund, cost not to exceed \$ 600,000.

Motion --  
-- carried

Knight moved that the project and necessary documents be approved; authorize the necessary signatures. Motion carried 5 to 0. (Gale, Lambke; absent)

## WATER REPORT

### CONDITION AND OPERATION REPORT FOR 2000 – WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-0732.

Under the provisions of Ordinance 41-934 of the City, adopted January 26, 1993, (and the subsequent 1997 and 1999 Series Bond Ordinances) the Water & Sewer Utility is required to fulfill the requirements of the revenue bond covenant set forth in Section 1005. On November 14, 2000, the City Council authorized the firm of R.W. Beck to conduct the 2000 Condition & Operations Report.

The cost for the Condition and Operations Report is \$25,000 and will be paid from the Water & Sewer Administration budget.

Not less than every three years, the City is to employ an independent engineer, engineering firm, or corporation, to make an examination and do a written report on the condition and operation of the utility per Ordinance 41-934. The completion of the Condition and Operations Report by R.W. Beck satisfies the requirements of this bond covenant as set forth in the Ordinance.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 5 to 0. (Gale, Lambke; absent)

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## IRB CASCO

### QUITCLAIM – CASCO PLASTICS.

Agenda Report # 01-0733.

In 1985 the City issued industrial revenue bonds in connection with improvements to Casco Plastics, Inc. In 1996, Casco, under the terms of the bond lease agreement and trust agreement, paid off the bonds. At that time the City transferred title to the property that secured the bonds back to Casco.

As part of the bond transaction, one of the principals in Casco, Kurt Christensen, pledged real estate he owned as security for his personal guarantee that the bonds would be paid. That pledge remains of record. With the completion of the bond financing in 1996, there is no further need for Mr. Christensen's personal guarantee. It is appropriate for the City to release any claim that it has against this pledged real estate. A quitclaim deed accomplishes this.

This transaction has no financial impact on the City.

Motion -- carried

Knight moved that execution and delivery of the quitclaim deed be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

## SETTLEMENT

### SETTLEMENT OF LITIGATION.

Agenda Report No. 01-0734.

In 1998, the plaintiff Koehn suffered various injuries incurred while a passenger in a car that collided with a police car on patrol.

After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, the City Attorney determined that a resolution of this matter is appropriate. After some negotiation, the City has been offered an opportunity to resolve the action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Funding for this settlement is from the tort claims fund.

Motion -- carried

Knight moved that payment of \$150,000 as full settlement be authorized. Motion carried 5 to 0. (Gale, Lambke; absent)

## PROPERTY ACQ.

### PROPERTY ACQUISITION - #6 KELLOGG DRIVE. (District II)

Agenda Item No. 01-0736.

The City has under contract the next phase of the East Kellogg freeway project (referred to as the Woodlawn-Eastborough phase). In preparation for construction, the City began acquiring property in 1998. One of the early property acquisitions was a single-family house located at 6 Kellogg Drive, (East 25 feet of Lot 5 and Lot 6, Block CZ, Eastborough 3rd Addition), in Eastborough. The house was appraised and the price was negotiated with the owner. Since then, the adjacent and other affected properties have been acquired either through purchase or condemnation.

The subject property was located on the north side of Kellogg, and contained a 1,867 square foot ranch-style house with three bedrooms with two baths on a 14,375 lot. The property was acquired for \$96,250. The City had to pay \$144,000 for the adjacent property at 4 Kellogg (containing about the same square footage 1,834 and seven years older). Since the City received the approval to buy necessary rights-of-way, acquisition costs have increased significantly. The owner has requested the City to evaluate its purchasing policies and consider adjusting its purchase price for the property in line with what it (the City) had to pay for adjacent and properties in the immediate vicinity. This request is being made

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because the earlier sale was made in the spirit of cooperating with the City to acquire property to expedite the construction of the next phase of the Kellogg freeway project.

Houses with similar square footage have been acquired in this project area for prices ranging from \$113,000 - \$144,000. While these properties were in various conditions and locations, many of these properties were acquired above the appraised values. Properties are being acquired for the project from Local Sales Tax funds.

Motion --  
-- carried

Knight moved that Staff be authorized to review the basis for this property acquisition and negotiate an equitable purchase price not to exceed \$144,000. Motion carried 5 to 0. (Gale, Lambke; absent)

## PROPERTY DISP.

### SURPLUS PROPERTY – 4625 WEST CENTRAL. (District IV)

Agenda Report # 01-0737.

The property under consideration is located on the Southeast corner of Central and Baehr. This property was purchased in 1999 for street improvements. The property is presently vacant and contains approximately 9,300 square feet. While zoned single-family residential, the adjacent uses on Central are largely commercial and long term plans call for the corridor to be commercial. Access to the property is restricted to Baehr Street with no direct access to Central.

All City departments and local government entities have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private property will place additional value into the tax base.

Motion --  
-- carried

Knight moved that the property be declared as surplus and designated as available for sale to the general public. Motion carried 5 to 0. (Gale, Lambke; absent)

## PROPERTY ACQ.

### ACQUISITION OF PROPERTY UNDER URBAN RENEWAL FOR REDEVELOPMENT.

Agenda Report # 01-0738.

On December 19, 2000, the City Council approved the Development Agreement for the redevelopment of an area adjacent to Old Town, in downtown Wichita. The redevelopment project includes the acquisition of land and the construction of a six-screen cineplex, two commercial retail buildings, a parking structure, a public plaza and streetscape improvements. On February 6, 2001, the City Council approved an amendment to the Development Agreement to allow additional funding for the acquisition of a tract of land currently owned by Raytheon Aircraft Company. The arrangements for acquiring the Raytheon property have now been finalized. The Preferred Developer for the project, Cinemas Old Town, LLC, is unable to reach agreement for the acquisition of another parcel needed to complete land assemblage for the project. The Developer is asking the City to acquire the property by condemnation.

The approximately 7,000 sq. ft. property is located within the project site, on Rock Island Avenue. In order to acquire the property by condemnation under urban renewal, the City Council must first adopt a resolution determining the property to be slum or blight and designating it appropriate for urban renewal and approving its acquisition, and then approve an ordinance calling for the use of eminent domain to acquire the property and directing the City Attorney to file the appropriate documents in the District Court.

Under the terms of the Development Agreement, the cost of acquiring the subject property is the responsibility of the Developer. Prior to paying any funds for acquisition of the property, the City will obtain written assurances from the Developer that all costs of acquiring the property will be borne by the Developer.

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Motion --  
-- carried

Knight moved that the Resolution be adopted; the Ordinance be placed on first reading; and appropriate proceedings be filed in District Court. Motion carried 5 to 0. (Gale, Lambke; absent)

## RESOLUTION NO. 01-250

A Resolution determining certain property in the City of Wichita, Kansas, to be slum or blighted and designating such property as an area appropriate for an Urban Renewal Project; approving the acquisition by eminent domain of certain real property in said area; and declaring it to be the intention of the governing body to issue general obligation bonds of the City of Wichita to pay all or a portion of the costs of the acquisition of said real property, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, in connection with the redevelopment of apportion of the Old Town area in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and providing for payment of the cost thereof, read for the first time and under the rules held over.

## ORDINANCES

### SECOND READING ORDINANCES: (First read June 5, 2001)

- a) Issuance of Industrial Revenue bonds – Envision, Inc. (District III)

## ORDINANCE NO. 44-984

An Ordinance authorizing the city of Wichita, Kansas to issue its Industrial Revenue Bonds, Series V, 2001 (Envision, Inc.) in the aggregate principal amount of \$2,000,000 for the purpose of providing funds to construct and equip additions to certain existing manufacturing, administrative, and technological facilities for the blind/visually impaired; prescribing the form and authorizing execution of a first supplemental trust indenture between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a First Supplemental Lease Agreement by and between the City and Envision, Inc.; approving the form of a Guaranty Agreement between Envision, Inc., as Guarantor, and Intrust Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Bond Purchase Agreement between the City, Envision, Inc., and Davidson Securities, a division of Gold Capital Management, Inc. as purchaser of the Series V, 2001 Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight

- b) Zoo Boulevard Improvement from 13th Street to I-235. (District VI)

## ORDINANCE NO. 44-985

An Ordinance amending Ordinance No. 43-907 of the City of Wichita, Kansas, declaring Zoo Boulevard, from 12th Street North to Windmill Road (472-82945) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight

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- c) 2001 Capital Improvement Program Street Rehabilitation Project. (Districts IV, V, and VI)

## ORDINANCE NO. 44-986

An Ordinance declaring 119th Street West, between Kellogg and Maple; MacArthur, between Meridian and Seneca; and 33rd Street North between Broadway and Mead (472-83366) - 20001 Street Rehabilitation Program, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight

- d) Lot cleanup.

## ORDINANCE NO. 44-983

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7:40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the Governing Body of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight

- e) ZON2000-60 - South of Pawnee, west of Oliver. (District III)

## ORDINANCE NO. 44-987

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight ZON2000-0006

- f) ZON2001-00023 –Northwest of Central Avenue/Pennsylvania Avenue Intersection. (Dist. I)

## ORDINANCE NO. 44-988

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight ZON2001-00023

- g) ZON2001-00025 – West of Hydraulic, south of Third Street. (District I)

## ORDINANCE NO. 44-989

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight ZON2001-00025

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h) ZON2001-00026 – North of Central, west of Boyd. (District V)

## ORDINANCE NO. 44-990

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight ZON2001-00026

i) ZON2001-00031 – Southwest Corner of English and Kansas. (District I)

## ORDINANCE NO. 44-991

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight ZON2001-00031

j) A01-09 – North of the Starwest Addition on Ridge Road. (District V)

## ORDINANCE NO. 44-992

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight A01-09

k) A01-12 – Southwest corner of MacArthur and Hoover Road. (District V)

## ORDINANCE NO. 44-993

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Yeas: Brewer, Fearey, Martz, Pisciotte, Knight A01-12

## PLANNING AGENDA

Motion --  
-- carried

Knight moved that the Planning Agenda be considered consensus Items and approved. Motion carried 5 to 0. (Gale, Lambke; absent)

**DED2001-11**

**DED2001-11 – DEDICATION OF ACCESS CONTROL, LOCATED ON THE SOUTHEAST CORNER OF SECOND STREET AND TYLER ROAD.** (District V)

Agenda Report No. 01-0739.

As a requirement of a zoning case (ZON 2000-37), this dedication is being made for the purpose of access control except for one opening along Tyler Road.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the document be received and filed. Motion carried 5 to 0. (Gale, Lambke; absent)

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**DED2001-12**

**DED2001-12 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTH SIDE OF WEST CENTRAL, WEST OF HOOVER.** (District V)

Agenda Report No. 01-0740.

This Dedication is a requirement of Lot Split No. SUB 2001-46, and is being dedicated for the construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the document be received and filed. Motion carried 5 to 0. (Gale, Lambke; absent)

**SUB2001-19**

**SUB2001-19 – PLAT OF WHEATLAND COMMERCIAL ADDITION LOCATED ON THE SOUTH SIDE OF MACARTHUR ROAD, ON THE WEST SIDE OF HOOVER ROAD.** (District V)

Agenda Report No. 01-0471.

This site is on the same agenda to be annexed into the City. This plat is zoned LC, Limited Commercial and municipal water services are available to serve the site.

A petition, 100%, has been submitted for sanitary sewer improvements. In order to provide access to the adjoining property to the east and north, a cross-lot access easement was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and access easement will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; authorize the necessary signatures; adopt the Resolution. Motion carried 5 to 0. (Gale, Lambke; absent)

**RESOLUTION NO. 01-249**

A Resolution of findings of advisability and Resolution authorizing , construction of Lateral 469, Southwest Interceptor Sewer, west of Hoover, south of MacArthur – 468-83264 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Gale, Lambke; absent) Ayes: Brewer, Fearey, Martz, Pisciotte, Knight.

**DR2001-05**

**DR2001-05 – STREET NAME ASSIGNMENT OF BOSTON HEIGHTS TO AN ALLEY AS PLATTED IN BOSTON COURT ADDITION.** (District I)

Agenda Report No. 01-0742.

The Wichita-Sedgwick County Address Committee was created in 1994 to avoid and correct street naming and addressing problems being discovered as a result of increasing growth in the County and of using the Geographic Information System (GIS) maps and databases.

These properties abutting the alley to the south, currently face Boston Court, a platted street to the south, which was never constructed. Even though only a sidewalk exists within the Boston Court right-of-way, the properties have an address name of Boston Court causing confusion for emergency services. Since the alley to the north is used as a principal access to these lots, the Addressing Committee has recommended that the alley be classified as a street and be named Boston Heights.

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he Wichita-Sedgwick County Address Committee held a meeting on March 13, 2001, and voted (unanimous) to assigned the name of Boston Heights to this alley.

Affected property owners were notified of the public hearings and no one appeared to object.

Motion --  
--

Knight moved that the street name assignment be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Gale, Lambke; absent)

## ORDINANCE

An Ordinance assigning the name of Boston Heights to an alley located north of Harry and west of Broadway, introduced and under the rules laid over.

**ZON2001-00022**

**ZON2001-00022 – ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE, LOCATED ON THE SOUTHEAST CORNER OF THE DOUGLAS/EDWARDS INTERSECTION.** (District IV)

Agenda Report No. 01-0743.

The applicant is requesting consideration for a zoning change from TF-3 Two Family to GO General Office, on Lots 133 & 135, Smithson's Addition, for an off street parking area. The applicant has submitted a site plan showing the proposed use of the subject property and his existing business. The applicant proposes to build an additional parking lot for his optometry business (Lots 125, 127, 129 and 131, Smithson's Addition, abutting the proposed parking lot on the west) that will connect to his existing off street parking. The site plan shows the proposed parking area to add another 9 spaces to the current parking, plus additional unmarked parking for employees. The applicant's current business is zoned GO General Office, has 16 marked, paved (asphalt) parking spaces for customers in the front and barely observable (5-6) marked paved (asphalt) parking spaces for employees in the back, with access from the unpaved alley. The additional parking will give the business more parking than what is required for 'medical services', with the square footage of the building. The applicant must provide and mark parking for individuals with disabilities. Access to the proposed parking will be through the existing parking lot. There is existing ingress/egress, one off of Douglas and one off of Edwards. The site plan shows street side landscaping and a privacy fence running between the proposed parking lot and the adjacent residence to the east and the additional employee parking abutting it to the south. The applicant's business has no landscaping, but the site plan shows the current rock being replaced with sod/grass. A parking area, commercial, is a permitted use in GO General Office zoning. The requested zoning to GO General Office will match the zoning of the applicant's current business.

Currently this site is developed with a single-family residence on it. The properties to the east, south and north are zoned TF-3 Two Family and are developed primarily as single family residential. The property to the west (at the southwest corner of the Edwards – Douglas intersection and across the street from the applicant's business) is zoned GO General Office and is developed as an insurance office, beyond it the development is residential. Three houses east of the site, is a Dillon's, at the Douglas – Richmond/Douglas – Meridian intersections. The Douglas – Meridian intersection has retail and office (Dillon's, a liquor store, physical therapy, and other small retail) development at all 4 corners. There are no other non-residential uses west of the Edwards – Douglas intersection until the Douglas – Sheridan intersection. The proposed development of the additional parking lot will trigger required landscaping on the proposed parking lot (per approval by the Planning Director) and screening along the east and south sides of the property. The dumpster needs to be screened.

The DAB IV considered the zoning change request at their May 2, 2001 meeting. There was no one other than the applicant to testify and the DAB voted (5-2) to approve the request. The MAPC considered the zoning change request at their May 10, 2001 meeting, there was no one other than the applicant to testify, and the MAPC voted unanimously to recommend approval.

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Publication of the Ordinance should be withheld until the dedications have been recorded.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Gale, Lambke; absent)

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

## AIRPORT AGENDA

### **SEWER AND WATER SANITARY SEWER AND WATER MAIN EXTENSION.**

Agenda Report No. 01-0744.

On January 9, 2001 the City Council authorized the Staff Screening and Selection Committee to select a consultant to provide professional services associated with the expansion of the utility infrastructure on Mid-Continent Airport.

The Staff Screening and Selection Committee interviewed three firms and selected Austin-Miller, P. A. to provide professional services for the utility extensions.

The cost for design and bid phase services is \$12,750 and will be funded with General Obligation Bonds paid by airport revenues. The cost is within the project budget.

Motion -- carried

Knight moved that the Contract be approved and the necessary signatures be authorized.

### **FLIGHT/BAGGAGE FLIGHT/BAGGAGE INFORMATION DISPLAY SYSTEMS REPLACEMENT PROJECT.**

Agenda Report # 01-0745.

On November 7, 2000 the City Council approved the project and authorized the selection of a consultant for the design and installation of a new Flight information Display System (FIDS) in the terminal building. The FIDS displays flight arrival and departure times for passengers at Wichita Mid-Continent Airport.

On March 22, 2001 the Staff Screening and Selection Committee staff selected ARINC, Incorporated to design and install the project. The committee to evaluate the FIDS/BIDS Request for Proposal packages was made up of eight staff members representing Operations, Engineering, Construction, Computer Technology, and Administration. The five submittals were ranked in the following order:

1. ARINC
2. COM-NET
3. SITA
4. TSI
5. Gough & Associates

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The contract amount is \$521,985.00 and is within the approved project budget. The project is being funded with airport revenues Passenger Facility Charges.

Motion -- carried

Knight moved that the Contract be approved and the necessary signatures be authorized.

Adjournment

The City Council meeting adjourned at 9:55 a.m.

Pat Burnett, CMC  
City Clerk